

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RICHARD ALLEN SMITH JR.;

CASE RE-ASSIGNED

V.

Docket No: Unknown JUL 01 2004  
JURY TRIAL DEMANDED  
CASE NUMBER 1:04CV00178

STATE OF WEST VIRGINIA  
OFFICE OF DISCIPLINARY BOARD,  
ET., AL.,

JUDGE: Unassigned

DECK TYPE: FOIA/Privacy Act

WEST VIRGINIA STATE POLICE  
PROFESSIONAL STANDARD SECTION,  
AND ET., AL.,

DATE STAMP: 02/06/2004

UNITED STATES ATTORNEY' S OFFICE  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA,  
AND ET., AL.,

FILED

FEB 5 2004

INSPECTOR GENERAL,  
U.S. DEPARTMENT OF JUSTICE,  
AND ET., AL.,

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

OFFICE OF THE SECRETARY  
DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY, AND ET., AL.,

This Court has Jurisdiction under Sellers v. Bureau of Prisons,  
959 F.2d 307 (D.C. Cir), 31 U.S.C. § 3730(a), (b)(1), (2)(A), (B),  
(3), (4)(c)(1), (2), & (d), 18 U.S.C. § 286, § 371, 18 U.S.C. 1962,  
18 U.S.C. § 1964 Civil Remedies, 28 U.S.C. § 1343 (a)(1), (2), (3),  
(4)(b)(1), & (2), 28 U.S.C. § 1331, & 28 U.S.C. § 1347.

PREVIOUS LAWSUITS

1) I have not filed any other lawsuit in Federal Court while  
a prisoner, located in United States Penitentiary, P.O.Box 26030,  
Beaumont, Texas 77720-6030.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

1) I have filed to all parties a Judicial Notice, requesting  
that changes be made within 180 days, See EXHIBITS A thru E.

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### **JURISDICTION**

This complaint alleges that the Privacy Act of plaintiff Richard Allen Smith Jr., who presently resides at United States Penitentiary, P.O. Box 26030, Beaumont, Texas 77720-6030, were violated by the inaction of the defendants named below, which adverse determinations made them liable parties.

**WEST VIRGINIA STATE POLICE  
PROFESSIONAL STANDARDS SECTION  
ET., AL.,**

**STATE OF WEST VIRGINIA  
OFFICE OF DISCIPLINARY COUNSEL,  
AND ET., AL.,**

**OFFICE OF THE SECRETARY  
DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY, AND ET., AL.,**

**UNITED STATES ATTORNEY'S OFFICE  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AND ET., AL.,**

**INSPECTOR GENERAL  
U.S. DEPARTMENT OF JUSTICE  
AND ET., AL.,**

The defendants listed above is being sued in their individual and official capacity. see Exhibits A thru D for it will explain how these defendants are acting under the color of law.

### **CLAIMS**

The parties listed in this action willfully and/or intenionally failed to maintian its records, and has consequently made determinations adverse to plaintiff. Their agencies must maintian accuracy of information to assure fairness to plaintiff and their inaction to correct the information contained within their files places them liable for monetary damages under **Sellers v. Bureau of Prisons.**

CLAIMS II,

The Defendant did knowingly, willingly falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements, or representations, or makes or uses any false writing or documents, knowing the same to contain any false, fictitious or fraudulent statement or entry. All in violation of False Statement Accountability Act of 1996. All Conspired to defraud government in violation of 18 U.S.C. § 286, & § 371.

CLAIMS III,

The Defendants, all conspired knowingly, willingly, & intentionally engaged in enterprise activities which affected interstate, or foreign commerce" making due provisions for the rights of innocent persons (plaintiff). Relating to obstruction of justice in violation of 1510, obstruction of State and local law enforcement, in violation of 1512, fraud and related activity in connection with document 1029, mail fraud in violation of 1343, and bribery in violation of section 224.

RELIEF REQUESTED

I believe that I am entitled to the following specific relief:

The plaintiff seeks 10 million dollars from each party individually for any and all damages, that plaintiff has received throughout these proceedings.

The Plaintiff seeks that all parties be held liable if any harm, threats, and/or psychological, and/or physical harm is recieved after the filing of this complaint.

**CERTIFICATE OF SERVICE**

I, RICHARD ALLEN SMITH JR., Hereby certify that I have served a true and correct copy of the following:

**SUMMONS, JUDICIAL NOTICE, AND CIVIL COMPLAINT.**

Which is deemed filed at the time it was delivered to prison authorities for forwarding, **Houston v. Lack**, 101 L.Ed 2d 245 (1988), upon the defendants and/or his/her attorneys of record by placing same in a sealed, postage pre-paid envelope addressed to:

WEST VIRGINIA STATE POLICE  
PROFESSIONAL STANDARD SECTION  
725 Jefferson Road  
CHARLESTON, W.V. 25309

INSPECTOR GENERAL  
U.S. DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON D.C. 20530

DISTRICT CLERK  
U.S. COURTHOUSE  
THIRD AND CONSTITUTION AVE., N.W.  
WASHINGTON D.C. 20001

UNITED STATES ATTORNEY'S  
FOR THE NORTHERN DISTRICT WEST  
VIRGINIA  
P.O. BOX 591  
WHEELING W.V. 26003

OFFICE OF THE SECRETARY  
DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY  
STATE CAPITOL COMPLEX  
BUILDING 6, Room B-122  
CHARLESTON, W.V. 25305

OFFICE OF DISCIPLINARY COUNSEL  
2008 KANAWHA BLVD, EAST  
CHARLESTON, W.V. 25311

and deposited in the U.S. Postal Mail at the United States Penitentiary, on this 22nd day of December, 2003.

*Richard Allen Smith Jr.* 1-4-04  
RICHARD ALLEN SMITH JR.

03666-087.

P.O. Box 26030

United States Penitentiary

Beaumont Tx 77720-6030